

In The Matter Of:

J.K.J. / M.J.J. v.

Polk County Sheriff's Department, et al.

Deposition of Darryl L. Christensen

May 18, 2016

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1 A P P E A R A N C E S (Continued)

2 MARTIN J. DE VRIES, Attorney,

3 for SAGER & COLWIN LAW OFFICES, S.C.,

4 Attorneys at Law, 201 South Marr Street,

5 Fond du Lac, Wisconsin 54935, appearing on

6 behalf of Defendant Darryl L. Christensen.

7 LORI M. LUBINSKY, Attorney,

8 for AXLEY BRYNELSON, LLP, Attorneys at Law,

9 Two East Mifflin Street, Suite 200, Madison,

10 Wisconsin 53703, appearing on behalf of the

11 Intervenor.

12 DARRYL L. CHRISTENSEN,

13 called as a witness, being first duly sworn,

14 testified on oath as follows:

15

16 EXAMINATION

17 By Ms. Lubinsky:

18 Q State your full name, please.

19 A Darryl Lynn Christensen.

20 Q What's the spelling of your middle name?

21 A L-y-n-n.

22 Q Very good. And, Mr. Christensen, what is your

23 date of birth?

24 A 5/26/66.

25 Q And you understand that you are named in a lawsuit

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1 that is the reason why we're here today?

2 A Yes.

3 Q I want to take you back and talk to you a little

4 bit about your employment with Polk County, okay?

5 A Okay.

6 (Exhibit No. 1 marked for

7 identification)

8 Q All right. Sir, I'm showing you what's been

9 marked as Exhibit 1. I'll represent to you this

10 is a copy of a position description for the

11 Corrections Officer position, at least that has a

12 revised date, as you'll see at the top, of

13 February 17, 2011.

14 A Okay.

15 Q First of all, do you see that?

16 A Yes.

17 Q All right. Were you employed as a corrections

18 officer for Polk County?

19 A Yes.

20 Q Do you recall approximately when you first began

21 such employment?

22 A Yes. July 30, 1995.

23 Q I saw in your personnel file that there appeared

24 to be a point where you became -- that there was a

25 promotion of some sort --

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1 A Yes.

2 Q -- and then you resigned from that position.

3 A Yes.

4 Q Just tell me a little bit about that.

5 A I was promoted to jail sergeant. I remember it

6 was 2000, 2001, somewhere around in there.

7 Q And then did you resign from that position?

8 A Yes. I held the position for a little over

9 two years, I believe, and stepped back down to be

10 a senior jail officer.

11 Q Is there a difference between a senior jail

12 officer and a corrections officer?

13 A No.

14 Q Okay.

15 A No.

16 Q So if I can summarize your employment, from '95

17 through the end date, which we'll talk about in a

18 minute, you were a corrections officer, other than

19 those approximate two years when you were a jail

20 sergeant?

21 A Correct.

22 Q Very good. Can you just take a look at Exhibit 1.

23 A Sure.

24 Q And tell me whether it, to the best of your

25 memory, accurately summarizes your job

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1 responsibilities as a correctional officer.

2 A Yes.

3 Q What was the end date of your employment as a

4 corrections officer for Polk County?

5 A October 30, 2014.

6 Q All right.

7 (Exhibit No. 2 marked for

8 identification)

9 MS. LUBINSKY: Off the record.

10 (Discussion off the record)

11 Q I'm going to show you Exhibit 2. This is a

12 document I got from your personnel file. Are you

13 familiar with this document?

14 A Yes.

15 Q All right. The beginning paragraph indicates that

16 there was a meeting in June of '96 where the

17 Wisconsin Law Enforcement Standards Board

18 certified you as being qualified to be a jail

19 officer. Do you see that?

20 A Yes.

21 Q So you held that certification at least when you

22 commenced or began employment with Polk County,

23 true?

24 A True.

25 Q And then do you have to -- did you have to undergo

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<p style="text-align: right;">Page 9</p> <p>1 any sort of recertification along the way or no?</p> <p>2 A If I remember right, yes, every two years you had</p> <p>3 to have, I believe, 24 hours of continuing</p> <p>4 education.</p> <p>5 Q Could you outline for me briefly what your formal</p> <p>6 education is starting with -- did you graduate</p> <p>7 high school?</p> <p>8 A Yes.</p> <p>9 Q Where did you go to high school?</p> <p>10 A Clear Lake, Wisconsin.</p> <p>11 Q What year did you graduate?</p> <p>12 A 1984.</p> <p>13 Q And then thereafter did you pursue any post high</p> <p>14 school education?</p> <p>15 A Nothing that was, you know, a year, a two-year</p> <p>16 program. I took numerous 60-hour, 90-hour courses</p> <p>17 for fire training and EMS.</p> <p>18 Q Did you take any sort of courses that relate,</p> <p>19 other than the fire and EMS courses, that would</p> <p>20 relate to being a corrections officer for</p> <p>21 Polk County?</p> <p>22 A Nothing on my own, only if -- like I said, you had</p> <p>23 to maintain certification every two years, so I</p> <p>24 believe twice I was sent to jail officer</p> <p>25 recertification. And then they started doing</p>	<p style="text-align: right;">Page 11</p> <p>1 A No.</p> <p>2 Q I wouldn't expect you would.</p> <p>3 All right. When you went back -- on the</p> <p>4 two occasions where you went back to the</p> <p>5 Chippewa Valley Technical College for your</p> <p>6 recertification, likewise, were there, like,</p> <p>7 materials that you were --</p> <p>8 A Yes.</p> <p>9 Q -- provided?</p> <p>10 I assume you still do not have them; is</p> <p>11 that --</p> <p>12 A No.</p> <p>13 Q -- true?</p> <p>14 A No.</p> <p>15 Q My statement was true; you don't have them?</p> <p>16 A Yes, correct.</p> <p>17 Q Do you have any memory of approximately what time</p> <p>18 frame you went back to Chippewa Valley Technical</p> <p>19 College to do the two recertifications?</p> <p>20 A This was '96. '98 and 2000.</p> <p>21 Q And are you --</p> <p>22 A Springtime maybe.</p> <p>23 Q Are you thinking that because after a certain</p> <p>24 point then Polk County did all of its</p> <p>25 certification training in-house?</p>
<p style="text-align: right;">Page 10</p> <p>1 in-house recertification, so we didn't travel</p> <p>2 anymore.</p> <p>3 Q Do you recall where you did that out-house</p> <p>4 recertification?</p> <p>5 A I believe both of them were through</p> <p>6 Chippewa Valley Technical College in Eau Claire.</p> <p>7 Q And then when you did that on those two occasions,</p> <p>8 was that a week-long program?</p> <p>9 A Three days.</p> <p>10 Q So three days each time?</p> <p>11 A Yeah. It was 24 hours, 8 hours a day I think,</p> <p>12 somewhere around there.</p> <p>13 Q All right. Just turning back to Exhibit 2. What</p> <p>14 did you have to do to become certified as a jail</p> <p>15 officer?</p> <p>16 A Back then it was just a four-week certification</p> <p>17 class, same thing at CVTC in Eau Claire, Monday</p> <p>18 through Friday.</p> <p>19 Q Were there course materials that you had during</p> <p>20 that week-long process?</p> <p>21 A Yes.</p> <p>22 Q All right. Do you happen to still have those or</p> <p>23 have --</p> <p>24 A No.</p> <p>25 Q -- access to those?</p>	<p style="text-align: right;">Page 12</p> <p>1 A Yes.</p> <p>2 Q I think I've got a document on that later, so</p> <p>3 we'll get to that.</p> <p>4 While you were taking the four-week program</p> <p>5 that then qualified you to be a certified jail</p> <p>6 officer, did you receive any training relative to</p> <p>7 having contact with inmates of a sexual nature?</p> <p>8 A Yes.</p> <p>9 Q What I'm looking for is what type of training you</p> <p>10 received. Was it just a verbal presentation, or</p> <p>11 did somebody go through the laws with you? What</p> <p>12 do you remember about that?</p> <p>13 A I can't remember which instructor it was, but I</p> <p>14 believe it was just verbal. Back then there was</p> <p>15 no videos or --</p> <p>16 Q I understand IT was not big in the mid '90s.</p> <p>17 A Exactly, exactly, yes. I believe it was just a</p> <p>18 professor from the college that came in and spoke.</p> <p>19 Q Nonetheless, were you trained back before you were</p> <p>20 certified on the idea that it was unlawful for</p> <p>21 jail officers to have sexual contact with inmates?</p> <p>22 A Yes.</p> <p>23 Q All right. And do you recall whether that</p> <p>24 concept, that generally came up in either of the</p> <p>25 two recertifications that you attended? And by</p>

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1 that I mean after you were originally certified,
2 you went to Chippewa Valley Technical College on
3 two occasions for the three-day stints. Do you
4 recall the topic of having sexual contact with
5 inmates, do you recall that topic coming up on
6 either of those two?
7 A Not in the refresh --
8 MR. DE VRIES: Objection, compound.
9 Go ahead.
10 Q Go ahead.
11 A Not in the refresher classes. The refresher
12 classes were condensed down to self-defense
13 classes and use of weapons. Some jails were
14 allowed to use batons or stun guns back then
15 before the TASERS, so we had training on those
16 things, update on fire procedures, things like
17 that. The research was really slim on book work
18 stuff.
19 Q And we're going to talk about the in-house
20 training in a minute, but just to complete where
21 I'm going, did you have any other training of any
22 kind outside of training that was provided to
23 Polk County relating to the concept of
24 correctional officers having sexual contact with
25 inmates?

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1 A Outside of the original four-week class, no, not
2 that I can recall, no.
3 Q When you commenced or began employment with
4 Polk County, were you provided with a copy of a
5 policy and procedure manual for the jail?
6 A Yes.
7 Q And did you have -- perhaps not all in one
8 sitting, but did you have an opportunity to read
9 that?
10 A Yes.
11 Q All right. I want to just show you a couple
12 provisions in there, so we're going to mark a
13 couple documents.
14 A Sure.
15 (Discussion off the record)
16 (Exhibit Nos. 3 through 6 marked
17 for identification)
18 Q Sir, you have in front of you Exhibit 3.
19 A Yes.
20 Q And you notice the title of this policy is called
21 Inmate Rights?
22 A Yes.
23 Q It has an effective date of February 3, 2003 but
24 then includes two revision dates dating through
25 1/22/11. Do you see that?

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1 A Yes.
2 Q And then just for the interest of completeness,
3 why don't you also look at Exhibit 4.
4 A Okay.
5 Q Do you see this is the same policy with the same
6 effective date?
7 A Yes.
8 Q And do you see there's an additional revision
9 date --
10 A Yes.
11 Q -- of 2/9/13?
12 A Yes.
13 Q Was it generally your understanding that over time
14 Polk County would on occasion update various
15 policies that it had in its policy and procedure
16 manual for the jail?
17 A Yes.
18 Q All right. We can look just at Exhibit 3 because
19 the point I want to talk with you about didn't
20 change, okay?
21 A Okay.
22 Q So we'll look at Exhibit 3. You've already said
23 you were familiar with the policy, so I'm
24 assuming -- please tell me if I'm wrong -- were
25 you, in fact, familiar with this policy?

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1 A Yes.
2 Q And pursuant to the policy, you understood that --
3 and I'll get there. One moment. I'm turning --
4 do you see they're paginated at the bottom?
5 A Yes.
6 Q Turn to page 247. Under Item No. 5 -- I'll just
7 read it. Tell me if I've read it accurately.
8 "Under no circumstances will any inmate be
9 the object of verbal, physical, emotional,
10 psychological or sexual harassment by facility
11 staff. Any officer engaged in such actions is
12 subject to disciplinary charges and/or
13 termination."
14 First of all, did I read that accurately?
15 A Yes.
16 Q And you were aware that that was, in fact, a
17 policy at Polk, the Polk --
18 A Yes.
19 Q -- County Jail?
20 And if you could just briefly turn to
21 Exhibit 4, to page 272. You'll see under Item 5
22 that that same policy existed when the policy was
23 revised in February of '13, true?
24 A True.
25 Q All right. Now we'll go to Exhibit 5, please.

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<p style="text-align: right;">Page 17</p> <p>1 Exhibit 5 is entitled FRATERNIZATION WITH 2 INMATES/PREA. Do you see that? 3 A Yes. 4 Q And at least with respect to Exhibit 5, we've got 5 an effective date of November 18, 2007 with a 6 revision date of July 18, 2012. Do you see that? 7 A Yes. 8 Q And in the interest of completeness, I'll show you 9 Exhibit 6. Do you see that as in effect the same 10 policy but with another update, revision date of 11 2/7/13? 12 A Yes. 13 Q All right. Let's go back to Exhibit 5. Turn to 14 enumerated page 46. Do you see under Roman 15 numeral V there is a section entitled PREA, which 16 is labeled PRISON RAPE ELIMINATION ACT; do you see 17 that? 18 A Yes. 19 Q Were you generally aware, perhaps not with all the 20 intricacies, but that there was a law that 21 prohibited correctional officers from having 22 sexual contact with inmates? 23 A Yes. 24 Q All right. Turn to the next page, the paragraph 25 labeled H. It's kind of right at the top.</p>	<p style="text-align: right;">Page 19</p> <p>1 Q And Subsection H on the next page is identical to 2 what we've already covered, true? 3 A True. 4 Q Put those in whatever pile you're making. 5 (Exhibit No. 7 marked for 6 identification) 7 Q We talked earlier about some in-house training 8 that you received from Polk County. 9 A Yes. 10 Q Have you ever seen Exhibit 7 before? 11 A Yes. 12 Q This was a document that was produced in discovery 13 in this matter. I got it from your personnel 14 file. And it purports I think to document some 15 in-house training you received. Is that what you 16 understand the document is? 17 A Yes. 18 Q All right. Did you ever personally keep track of 19 the nature of the training, in other words, what 20 the topics were -- 21 A No. 22 Q -- that they were training you on that's reflected 23 in this document? 24 A No. 25 Q Okay.</p>
<p style="text-align: right;">Page 18</p> <p>1 A Yes. 2 Q And I'll just read it quickly here. It says "In 3 addition to Department policies against sexual 4 misconduct, Wisconsin State Statutes make it a 5 criminal offense for correctional staff members to 6 have sexual intercourse or contact with an 7 individual confined in a correctional 8 institution." 9 First of all, did I read that accurately? 10 A Yes, yes. 11 Q And you knew, having read the policies of 12 Polk County, that that was, in fact, the policy of 13 Polk County, true? 14 A True. 15 Q And you knew that it was against Wisconsin 16 criminal statutes for a correctional officer to 17 have sexual intercourse or sexual contact with 18 inmates, true? 19 A True. 20 Q All right. And then we'll just briefly go to 21 Exhibit 6 when the policy was updated in 2013. We 22 can go to the third page there. You'll see that 23 there's still a section on the PREA, the 24 Prison Rape Elimination Act, correct? 25 A Yes.</p>	<p style="text-align: right;">Page 20</p> <p>1 (Exhibit No. 8 marked for 2 identification) 3 Q I'm showing you what's been marked as Exhibit 8. 4 I'll represent to you again this is a document 5 that was produced in discovery in this matter. 6 First of all, do you see it's an e-mail? 7 A Yes. 8 Q There is an e-mail address up near the top that 9 says Darryl@co.polk.wi.us. Was that, in fact, 10 your e-mail address that you used? 11 A Yes. 12 Q And you can just skim this real quick. My first 13 question is do you recall receiving this e-mail? 14 A No. 15 Q The e-mail purports to recap some information from 16 a training that occurred the day prior. And on 17 the second bullet there is a section labeled PREA. 18 A Yes. 19 Q Let me ask the question much more generally then. 20 Do you recall that at any of the in-house 21 trainings that Polk County offered or provided to 22 its correctional officers that the topic of the 23 Prison Rape Elimination Act came up during those 24 trainings? 25 A No.</p>

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<p style="text-align: right;">Page 29</p> <p>1 (Exhibit No. 11 marked for 2 identification) 3 Q I'm showing you what's been marked as Exhibit 11. 4 Take a moment just to page through it. I'll 5 represent to you I accurately copied a copy of the 6 criminal complaint. 7 A Yes. 8 Q But page through it real quick and just tell me if 9 this appears to you -- there may be a redaction on 10 one of the pages, but does it appear to you to be 11 a copy of the criminal complaint? 12 A Yes. 13 Q And ultimately you were charged with five counts 14 of sexual assault, true? 15 A True. 16 Q I want to focus in on <i>MJJ</i> first. 17 A Okay. 18 Q If you could go to page 11 of Exhibit 11. 19 A Okay. 20 Q All right. Do you understand that the initials 21 MJJ that are referenced on this page refer to 22 <i>MJJ</i> ? 23 A Yes. 24 Q All right. And I'm not going to read it. This, 25 though, recounts allegations Ms. <i>MJJ</i> made about</p>	<p style="text-align: right;">Page 31</p> <p>1 Q I'm assuming then you're just not sure if they 2 were identical -- 3 A Exactly. 4 Q -- or if there were more? 5 A Correct. 6 Q That's fair enough. When you read through the 7 allegations in the criminal complaint, 8 Exhibit 11 -- 9 A Yes. 10 Q -- that's in front of you that relate to 11 Ms. <i>MJJ</i> were there areas of what she 12 alleged -- were there things she said in here that 13 you disagreed with? 14 A Yes. 15 Q All right. Then we're going to go through it 16 briefly. 17 A Okay. 18 Q First of all, I'm looking at the first paragraph. 19 I assume you would agree she was incarcerated in 20 the Polk County Jail on numerous occasions? 21 A Yes. 22 Q All right. So let's go to the next paragraph. 23 According to this document, she had alleged that 24 during her jail time between November 3, 2011 and 25 January 22, 2014 that she was incarcerated nine</p>
<p style="text-align: right;">Page 30</p> <p>1 various times that you and her had some form of 2 sexual contact. First of all, do you agree that's 3 what this document says? 4 A Yes. 5 Q All right. I'm sorry. I don't have the 6 presentence investigation report with me today. 7 Was there more -- strike that. 8 Were there different allegations in terms of 9 what <i>MJJ</i> had said had happened between you 10 two that were contained in the presentence 11 investigation, if you recall? 12 MR. DE VRIES: Objection to the 13 form of the question. If you can answer it, 14 go ahead. It's very broad. 15 A I was going to say I don't -- 16 Q If you don't understand, don't answer. 17 A Yeah, I don't understand. 18 Q Okay. As you sit here today, do you have a memory 19 that the pre-sentence investigation report raised 20 new allegations that Ms. <i>MJJ</i> had made that 21 weren't in the criminal complaint? 22 A I know there were allegations in both that I 23 didn't agree with, but -- 24 Q Okay. 25 A Yes.</p>	<p style="text-align: right;">Page 32</p> <p>1 different times. Do you remember her kind of 2 coming in -- regardless of how many times, do you 3 remember her coming in and out of jail on several 4 occasions? 5 A Yes. 6 Q She alleges that you kissed her and then would put 7 your hand under her jail uniform, under her 8 underwear, and insert your finger into her vagina 9 and that this occurred more than 24 times but less 10 than 100. So let me stop right there. 11 Do you agree that, in fact, those actions 12 occurred? And if you disagree that any of that 13 occurred, itemize for us what you disagree with. 14 A I disagree with the dates, first of all, 15 November 2011. 16 Q When do you believe -- strike that. 17 When do you contend you first had any contact 18 of a sexual nature with Ms. <i>MJJ</i>? 19 A Early 2012 maybe. 20 Q And did the sexual contact you had with her, 21 whatever it is, which we'll get into in a moment, 22 did it continue perhaps on and off but through 23 approximately January 22, 2014? 24 A Yes. 25 Q All right. I understand that disagreement. Now,</p>

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1 when she describes the nature of the sexual
2 contact you had -- first of all, she alleges you
3 kissed her. Did that occur?
4 A Yes.
5 Q And right now I'm not so worried about how many
6 times.
7 A Exactly.
8 Q On one or more occasions did you put your hand
9 under her jail uniform?
10 A Yes.
11 Q On one or more occasions did you put your hand
12 under her underwear?
13 A Yes.
14 Q On one or more occasions did you insert your
15 fingers into her vagina?
16 A Yes.
17 Q I'm guessing that we have a disagreement over how
18 many times?
19 A Yes.
20 Q According to this, she alleges it occurred some
21 time between 24 and 100 times. What is your
22 testimony as to how often this occurred or how
23 frequently, better word?
24 MR. DE VRIES: You'll have to go
25 through each one.

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1 THE WITNESS: Pardon?
2 MR. DE VRIES: Go through each one.
3 Q Well, I'll ask the questions. Can you quantify
4 approximately how many times it occurred? And if
5 you can't, then we'll do it a different way.
6 A If I were to quantify it, I would say 15 to 20.
7 Q I'm not going to go through each time.
8 A Oh, good. Thank you.
9 Q But on those 15 to 20 times, do you have, like, a
10 specific memory of each time and what happened?
11 A No.
12 Q Then I'm going to move on.
13 MR. DE VRIES: Can I make sure
14 we're --
15 MS. LUBINSKY: Sure.
16 MR. DE VRIES: You said about
17 15 times. Does that mean 15 times of any
18 contact at all or -- I just want to make sure
19 the record is clear.
20 MS. LUBINSKY: Sure. I'll clean
21 that up.
22 MR. DE VRIES: I think we got it,
23 but I just want to make sure.
24 Q Is it your testimony that between 15 and 20 times
25 you had some form of sexual contact with

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1 Ms. *MJS*
2 A Exactly, yes.
3 Q I got it. All right. And I'm assuming -- you
4 tell me if I'm wrong -- the nature of the sexual
5 contact might have varied?
6 A Exactly.
7 Q But at least on one occasion you kissed her,
8 right?
9 A Yes.
10 Q At least on one of those occasions you put your
11 hand under her jail uniform?
12 A Yes.
13 Q And we've gone over that, so I don't need to --
14 A Correct.
15 Q -- do that again.
16 A Correct.
17 Q In terms of location, did the location of the
18 15 to 20 sexual interactions, did it vary?
19 A On a couple of occasions, yes.
20 Q So the majority of those 15 to 20 occasions, tell
21 us where it occurred.
22 A Outside the bubble door near the medical cells.
23 Q And then on those occasions where it wasn't
24 there -- and if there were several, tell us --
25 where else did the sexual contact occur with

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1 *MJS*
2 A The X-cell. I don't know if she says that.
3 Q Don't worry about what she says.
4 A Okay.
5 Q Just give me your best memory.
6 A X-2, I believe is what it's labeled as in the
7 jail.
8 Q Is that like a room?
9 A It's an exercise room.
10 Q Okay.
11 A It's just off of max pod.
12 Q Other than outside the bubble near the medical
13 cells and other than the X-room or exercise room,
14 was there any other location where you had any
15 form of sexual contact with *MJS* while in
16 the Polk County Jail?
17 A As long as we're saying any form, then I will
18 agree, yes, the receiving cell in booking.
19 Q At the bottom of page 11 it says "Many times
20 during these same incidents the defendant would
21 pull his penis out of his uniform pants and have
22 *MJS* touch his penis."
23 Don't worry about how many times because I
24 understand that. On one or more occasions did
25 *MJS* have physical contact with your penis?

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1 A Yes.
2 Q There's a statement at the top of page 12 that
3 says "The defendant" -- which is you, so I'll read
4 it this way. The allegation there is you told
5 *MJS* not to tell anyone what you had done or
6 you would lose your job. Did you make that
7 statement to her on one or more occasions?
8 A Yes.
9 Q And presumably that is because you knew what you
10 were doing was wrong?
11 A Yes.
12 Q And presumably that was also because not only did
13 you know what you were doing was wrong but you
14 knew you would lose your job?
15 A Correct.
16 Q And you knew it was against the criminal code in
17 Wisconsin?
18 A Yes.
19 Q All right. Next paragraph. There is an
20 allegation that -- again, don't worry about the
21 dates for a moment -- that she basically performed
22 oral sex on you an estimated two dozen up to
23 50 times. First of all, did she perform oral sex
24 on you on at least one occasion?
25 A Yes.

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1 Q Do you recall how many times that occurred?
2 A A dozen.
3 Q Would that dozen be within the 15 to 20 that we
4 talked about earlier?
5 A Yes.
6 Q Got it.
7 A But not -- like you said, not, not every time was
8 the same thing done, yes.
9 Q Sure. I'm understanding, given that you think it
10 was about 12, that there were probably instances
11 where you had sexual contact with *MJS* that
12 did not involve her giving you oral sex?
13 A Correct.
14 Q Got it. The next paragraph talks about penis to
15 vaginal intercourse. Did that occur on at least
16 one occasion?
17 A No.
18 Q Did you have intercourse of any kind with
19 *MJS* other than oral sex?
20 A No.
21 Q There's an allegation about the booking room, and
22 you referenced that earlier. Was there some
23 sexual contact that --
24 A Yes.
25 Q -- occurred?

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1 What was the nature of that conduct that you
2 can recall?
3 A We kissed.
4 Q Was that it?
5 A Yes. I saw her in just her underwear because
6 she -- I gave her a jail uniform, and before I
7 could leave she took her pants off and threw her
8 pants out, put the jail uniform on.
9 Q Turn the page to page 13, still in Exhibit 11. It
10 talks about the last incarceration period, and she
11 again claimed she had sexual intercourse with you
12 on two occasions. I assume your testimony is that
13 did not occur?
14 A Correct.
15 Q The next paragraph down talks about the final time
16 of -- she alleges intercourse was in the bathroom
17 in the X-room. Just for my interest of
18 completeness, is that the same -- that's the
19 exercise room?
20 A Correct.
21 Q What sexual contact do you recall occurring with
22 *MJS* in that room?
23 A We kissed, and then we left because that was -- as
24 a jail officer for the max pod area, that was too
25 far out away from the max pod to be able to hear

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1 the phone ring or to see anything, what the
2 inmates were doing on the cameras, if anybody was
3 pushing an intercom button to get my attention.
4 Q Give me a sense -- I didn't tour the jail. Some
5 of the others did. How far away is that X-room
6 from where you were stationed?
7 A The door is probably from where you're sitting to
8 the wall behind you. It's just a small hallway
9 that goes between the two.
10 Q Okay.
11 A Guard walk or catwalk we call it.
12 Q When you were having your sexual contact with
13 *MJS* outside the bubble door, was that --
14 I'm sorry, outside the bubble door and near the
15 medical cells, could you still maintain a visual
16 contact with the area where you were supervising?
17 A Yes.
18 Q To the best of your memory, was there only one
19 occasion where you had any form of sexual contact
20 with *MJS* in the exercise or the X-room?
21 A Yes.
22 Q There's an allegation midway through on page 13
23 that there were -- there was at least one time,
24 perhaps more, where you had asked or directed
25 *MJS* to put on a show for you. Did that

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<p style="text-align: right;">Page 41</p> <p>1 occur in any form?</p> <p>2 MR. DE VRIES: Objection. That's</p> <p>3 compound.</p> <p>4 Q You can go ahead and answer. Let me try to clear</p> <p>5 it up.</p> <p>6 There's an allegation, if you look at page 13</p> <p>7 of Exhibit 11, that she went to the X-room to walk</p> <p>8 laps around the room for exercise. From the</p> <p>9 bubble you directed her to put on a show. Do you</p> <p>10 recall that occurring?</p> <p>11 A I recall her going in there and doing that, but I</p> <p>12 didn't direct her to do it, no.</p> <p>13 Q What about asking or directing her to put on a</p> <p>14 show; did that happen?</p> <p>15 A No.</p> <p>16 Q All right. Was the bathroom door in the X-room a</p> <p>17 locked door?</p> <p>18 A Yes.</p> <p>19 Q So in order to get inside that bathroom, would you</p> <p>20 need keys to get in?</p> <p>21 A Yes.</p> <p>22 Q Did you and <i>MJS</i> ever go into that bathroom</p> <p>23 door?</p> <p>24 A Just that one time, yes.</p> <p>25 Q And that's the time where you just kissed?</p>	<p style="text-align: right;">Page 43</p> <p>1 A Correct.</p> <p>2 Q Next page. <i>MJS</i> alleges that she saw you</p> <p>3 masturbate under the light of the bubble when you</p> <p>4 would direct her attention toward you by shining</p> <p>5 the light from the bubble. Basically she</p> <p>6 indicates that she -- you would impliedly ask her</p> <p>7 to watch you masturbate. First of all, did this</p> <p>8 occur?</p> <p>9 A No.</p> <p>10 Q Never?</p> <p>11 A Never.</p> <p>12 Q Okay.</p> <p>13 A As I was telling --</p> <p>14 Q Don't tell me what you told Marty. I'm not</p> <p>15 entitled to know that.</p> <p>16 A All right.</p> <p>17 Q I don't want to invade privilege, okay?</p> <p>18 A Okay.</p> <p>19 Q All right. Still within Exhibit 11 because I</p> <p>20 think this is going to be the easiest way to do</p> <p>21 it. Let's jump from <i>MJS</i> to <i>JKS</i>.</p> <p>22 A Okay.</p> <p>23 Q Turn to page 4. All right. We'll kind of go</p> <p>24 through this the same way we just did --</p> <p>25 A Sure.</p>
<p style="text-align: right;">Page 42</p> <p>1 A Yes.</p> <p>2 Q Got it. There's an allegation at the bottom of</p> <p>3 page 13 that when <i>MJS</i> would go to pick up</p> <p>4 medications at the medication cart you would tell</p> <p>5 her to put her hand on your crotch outside your</p> <p>6 uniform pants. She did what she was told between</p> <p>7 24 and -- I'm sorry, between 12 and 24 occasions.</p> <p>8 First of all, on at least one occasion were</p> <p>9 there times where when she was getting medications</p> <p>10 you would ask her or direct her to put her hand on</p> <p>11 or near your crotch?</p> <p>12 A No.</p> <p>13 Q So that never happened?</p> <p>14 A No. The medication -- or the max pod bubble</p> <p>15 officer was literally sitting here (indicating),</p> <p>16 and she would -- say there was a gate between you</p> <p>17 and I to hand out medications. That officer was</p> <p>18 looking -- I mean, as I'm handing out medications,</p> <p>19 the officer was watching to make sure, so no.</p> <p>20 Q And presumably you know that -- strike that.</p> <p>21 So what you're telling me is if that</p> <p>22 occurred, it would have been easily detected?</p> <p>23 A Exactly.</p> <p>24 Q And the actions you engaged in with her were</p> <p>25 designed to avoid detection?</p>	<p style="text-align: right;">Page 44</p> <p>1 Q -- all right?</p> <p>2 A Yep.</p> <p>3 Q Skip the first paragraph. The next paragraph</p> <p>4 talks about the fact that <i>JKS</i> was in the</p> <p>5 Polk County Jail again at various times. Would</p> <p>6 you agree there were kind of stints, if you will,</p> <p>7 where she was in and out of the jail?</p> <p>8 A Yes.</p> <p>9 Q The first allegation is that during her</p> <p>10 incarceration between July 1 of 2012 and</p> <p>11 August 31, 2012, so about two months, she alleges</p> <p>12 you directed sexual comments to her. Did that</p> <p>13 occur?</p> <p>14 A I wouldn't say I directed sexual comments towards</p> <p>15 her. I participated in their sexual talk that was</p> <p>16 going on.</p> <p>17 Q With the inmates?</p> <p>18 A Exactly.</p> <p>19 Q Do you have a memory of the sorts of things? I</p> <p>20 don't need every example, but can you give us one</p> <p>21 or two examples of the sorts of things that you</p> <p>22 participated in during that time frame.</p> <p>23 A I guess some of the times when I would walk in, go</p> <p>24 into the cell block, whether it was to get</p> <p>25 cleaning supplies out or to just do a cell check</p>

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<p style="text-align: right;">Page 45</p> <p>1 in there, they were watching TV. If there was a</p> <p>2 show on TV, like a soap opera, which they watched</p> <p>3 a lot, and they were having sex, then right away</p> <p>4 the cell block women are talking about sex acts</p> <p>5 and stuff. And I would start, you know, joining</p> <p>6 in in the conversation about it.</p> <p>7 Q All right. That's a good example. Still on that</p> <p>8 same page, bottom, she says in August of 2012 the</p> <p>9 first sexual intercourse occurred between them.</p> <p>10 Did you have sexual intercourse with JKS</p> <p>11 on one or more occasions?</p> <p>12 A Not in the jail.</p> <p>13 Q Did you have sexual intercourse with her outside</p> <p>14 of the jail?</p> <p>15 A Yes.</p> <p>16 Q How many occasions did you have actual sexual</p> <p>17 intercourse?</p> <p>18 A Two.</p> <p>19 Q And was that penis to vagina sexual intercourse?</p> <p>20 A Yes.</p> <p>21 Q And did those occur at the fire department?</p> <p>22 A Yes.</p> <p>23 Q I'm sensing from my review of the records, if my</p> <p>24 memory is accurate, that was actually later than</p> <p>25 2012, or was it --</p>	<p style="text-align: right;">Page 47</p> <p>1 A More than five, less than ten.</p> <p>2 Q In that same paragraph toward the end, she talks</p> <p>3 about on one occasion you saying "You're not going</p> <p>4 to say anything, right?" And she basically</p> <p>5 responded saying no, she wasn't going to say</p> <p>6 anything.</p> <p>7 Do you recall having that type of</p> <p>8 conversation with JKS on one or more</p> <p>9 occasions?</p> <p>10 A Yes.</p> <p>11 Q All right. And presumably -- tell me if I'm</p> <p>12 right -- you asked her not to say anything because</p> <p>13 you knew if she did, you would get in trouble?</p> <p>14 A Yes.</p> <p>15 Q You knew you would lose your job?</p> <p>16 A Yes.</p> <p>17 Q You knew it was criminal?</p> <p>18 A Yes.</p> <p>19 Q Turn to the top of page 6. There is an allegation</p> <p>20 there that you pulled down your pants, and she</p> <p>21 performed oral sex on you. Did that occur on at</p> <p>22 least one occasion while in the jail?</p> <p>23 A Yes.</p> <p>24 Q Did it occur on more than one occasion?</p> <p>25 A That she performed oral sex?</p>
<p style="text-align: right;">Page 46</p> <p>1 A Around, yeah, 2013.</p> <p>2 Q Okay.</p> <p>3 A Late '12, early '13, somewhere around there.</p> <p>4 Q In the second paragraph -- you can turn to page 5.</p> <p>5 She talks about an area near the medical isolation</p> <p>6 cell, which is designated in the jail as the</p> <p>7 X-room or conference room directly off the bubble.</p> <p>8 She talks about you and her making out.</p> <p>9 Eventually you touched her beneath her underwear</p> <p>10 and put your finger into her vagina.</p> <p>11 So we'll do this like we did last time. With</p> <p>12 respect to JKS, on one or more occasions</p> <p>13 did you kiss her?</p> <p>14 A Yes.</p> <p>15 Q And on one or more occasions did you touch her</p> <p>16 beneath her underwear?</p> <p>17 A Yes.</p> <p>18 Q On one or more occasions did you put your finger</p> <p>19 into her vagina?</p> <p>20 A Yes.</p> <p>21 Q Collectively the sum total of all sexual</p> <p>22 interactions with JKS are you able to</p> <p>23 approximate how many times any form of sexual</p> <p>24 interaction occurred between the two of you while</p> <p>25 in the Polk County Jail?</p>	<p style="text-align: right;">Page 48</p> <p>1 Q Yes.</p> <p>2 A Yes.</p> <p>3 Q Would the number of occasions that that occurred,</p> <p>4 would that be within that five to ten --</p> <p>5 A No.</p> <p>6 Q -- range?</p> <p>7 A No. That would be less than five.</p> <p>8 Q No. You misunderstood my question, so let me go</p> <p>9 back.</p> <p>10 A Okay.</p> <p>11 Q The oral sex that she performed, is that part</p> <p>12 of --</p> <p>13 A Oh, yes, yes.</p> <p>14 Q -- the five to ten?</p> <p>15 A Yes.</p> <p>16 Q Do you have an estimate for how many times</p> <p>17 JKS performed oral sex on you?</p> <p>18 A Less than five I would say. If I would guess, I</p> <p>19 would say three.</p> <p>20 Q So I'm surmising then that there were times where</p> <p>21 you had sexual contact with her of some form that</p> <p>22 did not include oral sex?</p> <p>23 A Exactly.</p> <p>24 Q All right. I'm not sure I covered this earlier,</p> <p>25 so about three-quarters of the way down there's an</p>

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<p>1 allegation that on one occasion she touched your 2 penis over your uniform. Did that occur on at 3 least one occasion? 4 A Yes. 5 Q How did it come to be that you had sexual contact 6 with <i>JKS</i> outside the Polk County Jail? 7 A She called the fire station phone number. The 8 answering machine gave out my cell phone number -- 9 Q Okay. 10 A -- for non-emergencies. She texted me and asked 11 if I was at the fire station. She signed it JJ. 12 I have a female firefighter/EMT that's name is 13 Joy Jackson. I assumed it was her. 14 Q Okay. 15 A So I responded back and said Yes, I'll be there 16 this afternoon. While I was at the station, a 17 knock on the door. I went to the door, and it was 18 <i>JKS</i> 19 Q So let me just back up. I'm assuming she was out 20 of jail? 21 A Yes. 22 Q All right. And you had scheduled or planned to be 23 at the fire station that day? 24 A As a fire chief, I had to put in 20 hours a week, 25 yes.</p>	<p>1 contact with her on that occasion went to sexual 2 intercourse? Yes? 3 A Yes. 4 Q Did you use any sort of protection? 5 A No. 6 Q And was there another occasion where you had 7 sexual contact of any kind with her at the fire 8 station? 9 A Yes. 10 Q How long in time thereafter? Is this a short 11 period or years or -- 12 A No. It was the same year but months. She may 13 have even -- I don't know if she was back in jail 14 in between the times. I can't remember how she -- 15 same thing, in and out, but it was months in 16 between. 17 Q How did it come to be that she showed up or got to 18 the fire station? Did you ask her to come? Did 19 you contact her? Did she contact you? 20 A It seems to me she did come back to jail, and we 21 spoke. And she said that while she was out she 22 had gotten a job as a masseuse at the health 23 center in the St. Croix Falls, and she was doing 24 massages. She had told me in the jail, she says 25 that You must -- you must get stressed out with</p>
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<p>1 Q Do you still have access to the text message 2 string? 3 A No. 4 Q And so when she comes and shows up, I assume you 5 are a bit surprised because you anticipated it was 6 somebody else? 7 A Correct. 8 Q What happened next? 9 A She came in. She asked for a tour of the fire 10 station. I showed her the fire trucks, took her 11 throughout the station, showed her my office, 12 showed her the men's and women's locker room. And 13 we started kissing in the locker room, and it 14 turned into sexual intercourse. 15 Q I think I asked you this earlier. Do you think 16 that occurred in late '12, early '13? 17 A Yes. 18 Q All right. 19 A I'm pretty sure there was snow on the ground. 20 Q And were you working for the Amery Fire Department 21 at the time? 22 A Yes. I was the chief at the time. 23 Q And you were, like, kind of on duty at that time? 24 A Yes. 25 Q All right. And you said eventually the sexual</p>	<p>1 all your jobs here and at the fire station. If 2 you ever need a massage, let me know. 3 Q Okay. 4 A When she was out, I don't remember if she had 5 texted me again and I got her phone number off of 6 that, but somehow I had texted her and said that I 7 would take her up on the offer for a massage. We 8 had a building fire, and a roof collapsed on one 9 of my firemen. I climbed in the window and lifted 10 the stuff off and pulled a muscle in my shoulder. 11 So we set a date. She came to the fire station. 12 Q You know, I forgot to ask you. On the first 13 occasion where she came to the fire station, was 14 anyone else there other than -- 15 A No. 16 Q -- the two of you? 17 Same question for the second occasion. Was 18 anyone else there? 19 A (Negative head nod). 20 COURT REPORTER: Is that a yes or 21 no? 22 A No. 23 Q Let's confirm that. Nobody else was there, 24 correct? 25 A Correct.</p>

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<p style="text-align: right;">Page 53</p> <p>1 Q And were you on duty?</p> <p>2 A Yes.</p> <p>3 Q So she came, whether it was you calling her or</p> <p>4 texting her or her contacting you, she came there</p> <p>5 under the purpose of giving you a massage?</p> <p>6 A Correct.</p> <p>7 Q And then I assume when she got there, that did</p> <p>8 occur?</p> <p>9 A Yes.</p> <p>10 Q Did it turn into a sexual interaction of some</p> <p>11 kind?</p> <p>12 A Yes.</p> <p>13 Q Did it turn into sexual intercourse?</p> <p>14 A Yes.</p> <p>15 Q Was that the second occasion, and then have we now</p> <p>16 completed all of the actual sexual intercourse you</p> <p>17 had with her?</p> <p>18 A Yes.</p> <p>19 Q And that sexual intercourse occurred at the fire</p> <p>20 station?</p> <p>21 A Yes.</p> <p>22 Q And just so we've got a nice clear record, on the</p> <p>23 two occasions where she came to the fire station</p> <p>24 where you had sexual intercourse with her, she was</p> <p>25 not a Polk County inmate, true?</p>	<p style="text-align: right;">Page 55</p> <p>1 Q How were you made aware of that?</p> <p>2 A The chief deputy and I and the jail captain and</p> <p>3 the human resource officer had a meeting.</p> <p>4 Q And what were you told in that meeting?</p> <p>5 A That there was allegations from an inmate that had</p> <p>6 been moved from Polk County to Burnett County that</p> <p>7 there had been sexual contact. And she told her</p> <p>8 cellmate. That cellmate told it to a jail</p> <p>9 officer. That jail officer contacted Polk County,</p> <p>10 and that started the investigation.</p> <p>11 Q So when you were made aware of that allegation,</p> <p>12 was it at that time that you resigned your</p> <p>13 employment, or --</p> <p>14 A Yes.</p> <p>15 Q -- was there a period of time?</p> <p>16 A No, that day.</p> <p>17 Q And if my memory serves, you were asked to give an</p> <p>18 interview or asked questions, but you declined to</p> <p>19 give an interview and gave them your, like,</p> <p>20 attorney's business --</p> <p>21 A Yes.</p> <p>22 Q -- card?</p> <p>23 A Yes.</p> <p>24 Q Did you ever speak with any law enforcement</p> <p>25 officer detailing kind of the events that -- not</p>
<p style="text-align: right;">Page 54</p> <p>1 A Correct.</p> <p>2 Q And you were not working for Polk County at the</p> <p>3 time?</p> <p>4 A Correct.</p> <p>5 MR. WEIDNER: You mean the day of</p> <p>6 the intercourse?</p> <p>7 Q Yes, the day of the intercourse.</p> <p>8 A Right. That's what I understood.</p> <p>9 Q Let me clean this up. Actually, on both occasions</p> <p>10 while you were at the firehouse where the two acts</p> <p>11 of sexual intercourse occurred, you were actually</p> <p>12 working for Amery Fire Department at that time?</p> <p>13 A Correct.</p> <p>14 (Exhibit No. 12 marked for</p> <p>15 identification)</p> <p>16 Q Did you voluntarily terminate your employment with</p> <p>17 Polk County before or after you came to understand</p> <p>18 that one or more current or former inmates had</p> <p>19 made allegations against you?</p> <p>20 A Yes, yes.</p> <p>21 Q So did -- let me go back.</p> <p>22 Were you made aware from some source that</p> <p>23 there had been some allegation of sexual contact</p> <p>24 before you resigned?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 56</p> <p>1 only the two women that I've talked to you about</p> <p>2 but the other women, have you ever spoken to a law</p> <p>3 enforcement officer about your version of the</p> <p>4 events?</p> <p>5 A No.</p> <p>6 Q Other than speaking with lawyers, which I'm not</p> <p>7 entitled to know about --</p> <p>8 A Right.</p> <p>9 Q -- have you given an account of your version of</p> <p>10 events regarding sexual interactions with any</p> <p>11 inmates --</p> <p>12 A No.</p> <p>13 Q -- to anyone else?</p> <p>14 A Just the presentence investigation.</p> <p>15 Q Okay. You have in front of you Exhibit 12. I'll</p> <p>16 represent to you I made a true and correct copy of</p> <p>17 a transcript of the plea hearing --</p> <p>18 A Okay.</p> <p>19 Q -- where you pled to the charges. Do you</p> <p>20 generally recall being present in the courtroom</p> <p>21 when you pled to the charges?</p> <p>22 A Yes.</p> <p>23 Q All right. You were represented by counsel up to</p> <p>24 and including on that date, true?</p> <p>25 A Correct.</p>

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1 Q And I'll represent to you this was not your
2 sentencing. That happened later.
3 A Right.
4 Q This was just your plea. Do you have a general
5 recollection of pleading guilty to the charges?
6 A Yes.
7 Q And did you understand that by pleading guilty you
8 were admitting to the allegations?
9 A Yes.
10 Q You've been sentenced on the -- strike that.
11 You understand after you pled guilty that the
12 Court found you guilty?
13 A Yes.
14 Q And then you've been sentenced and are in the
15 Waupun Correctional Institute at least right now,
16 true?
17 A Dodge Correctional.
18 Q I'm sorry. Dodge Correctional.
19 A Yes.
20 Q Do you know where you will be transferred to?
21 A Here. I'm staffed here.
22 Q So it's your understanding that you will remain
23 here?
24 A Yes, at least until my next review date, which is
25 a year.

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1 Q So I think that helps. If we ever have to come
2 back and speak with you, if it's --
3 A Yes.
4 Q -- in the next year, you're probably going to be
5 here?
6 A Yes.
7 Q Up until the time you are told by the chief deputy
8 and the jail captain and the human resources
9 person that there's been this allegation made, did
10 you have any idea that any other employee or
11 official of Polk County had any idea that you --
12 or any knowledge that you had been engaging in
13 sexual interactions with any inmate?
14 A No.
15 Q At least with respect to JKS and
16 MSS the sexual interactions you had with
17 them, did you conduct yourself in a manner so as
18 to avoid detection?
19 A Yes, technically, yes.
20 Q On any sexual interaction with any inmate, do you
21 know that anyone saw you?
22 A No.
23 Q You were engaging in the sexual actions with
24 MSS for the sole purpose of your own
25 personal gratification, true?

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1 A True.
2 Q You weren't serving the interest of Polk County
3 when you engaged in sexual interactions with
4 MSS, true?
5 A True.
6 Q And I'll just ask the same questions for
7 JKS. When you engaged in the sexual
8 interactions with JKS, you did it solely
9 for the purpose of your own personal motivation?
10 A True.
11 Q You did not engage in any sexual interactions with
12 JKS to serve Polk County, true?
13 A True.
14 MS. LUBINSKY: Okay. Those are all
15 the questions I have. Thank you. The other
16 lawyers might have a few.
17 (Discussion off the record)
18
19 EXAMINATION
20 By Mr. Bohl:
21 Q Good afternoon, Mr. Christensen. We met before
22 the deposition started. My name is Charles Bohl,
23 and I represent Polk County.
24 A Okay.
25 Q Where did you first meet JKS

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1 A In jail.
2 Q Where did you first meet MSS ?
3 A In jail.
4 Q To your knowledge were either of these ladies
5 members of a nearby community?
6 A No.
7 Q Now, let me ask you some questions about your
8 meeting with JKS in the fire department.
9 A Yes.
10 Q She came to the fire department building, as far
11 as you know, on two occasions?
12 A Yes.
13 Q It wasn't more than two?
14 A It was more than two but only two that there was
15 any sexual contact.
16 Q About how many times did she come to the fire
17 department?
18 A Four.
19 Q Can you put these in chronologic order with the
20 ones in which there was sexual contact?
21 A The first and the last were the sexual contact,
22 and there was two in the middle where she just
23 stopped in.
24 Q Well, let me ask you then about the second time
25 she came. There was no sexual contact?

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<p style="text-align: right;">Page 73</p> <p>1 roll her uniform pants down below her waistline 2 and pull her pants legs up. And I would say twice 3 that I can remember she removed her pants 4 completely and exercised in just her bra and 5 underwear. 6 Q Did other female prisoners engage in this sort of 7 conduct? 8 A Several over the years I've seen exercise with 9 their shirts off, yes, with their sports bra on. 10 Q Was there a jail rule against this conduct? 11 A It was a -- I don't know specifically because the 12 males were allowed to exercise without their 13 shirts on. The females, as long as they had their 14 sports bras on, some jailers let them; other 15 jailers didn't. 16 Q Now, Mr. Christensen, I'm sure there's something 17 that -- there's a question that immediately comes 18 to mind listening to your testimony. You've 19 testified that you knew having sex with jail 20 prisoners was a crime? 21 A Yes, sir. 22 Q And you were repeatedly trained not to do it? 23 A Correct. 24 Q And you knew the policy of Polk County Sheriff's 25 Department was that you were not supposed to have</p>	<p style="text-align: right;">Page 75</p> <p>1 an outside the jail affair? 2 A Outside the max pod, bubble area. 3 Q Did she give you a reason why she only wanted to 4 have encounters with you in the jail? 5 A She said it was something special that she could 6 look forward to if she ever came back to jail. 7 Q How about <i>JKS</i> were you fearful that 8 <i>JKS</i> would make a complaint against 9 you? 10 A No. 11 Q Why not? 12 A Again, without taking responsibility off of my 13 actions, she also initiated, and I went along with 14 it. So I felt that being she was initiating she 15 wasn't going to say anything. 16 Q Did you form a belief in your mind as to whether 17 your sexual encounters with <i>JKS</i> were 18 welcome on her part? 19 A Yes. 20 Q And did you form a belief in your mind as to who 21 was initiating the sexual conduct? 22 A Yes. 23 Q Who? 24 A Her. 25 Q Now, is the same true of <i>MJS</i> that --</p>
<p style="text-align: right;">Page 74</p> <p>1 sex with prisoners? 2 A Yes, sir. 3 Q As a matter of fact, you were not supposed to 4 fraternize with them in any sort of suggestive 5 way? 6 A Correct. 7 Q Nonetheless, you did, right? 8 A Correct. 9 Q Let's talk about <i>MJS</i> : Were you fearful 10 that <i>MJS</i> was going to make a complaint 11 against you? 12 A No. 13 Q Did she ever make a complaint against you? 14 A No. 15 Q Why were you not fearful that she would make a 16 complaint against you? 17 A Because she, without placing blame, she was 18 initiative on several of the occasions. She had 19 told me that she had considered having an outside 20 the jail affair but changed her mind and said that 21 this was something that she wanted to keep just in 22 the jail so that if she ever came back she had 23 something she could look forward to. 24 Q Where were you when you had this conversation in 25 which <i>MJS</i> said that she had considered</p>	<p style="text-align: right;">Page 76</p> <p>1 A Yes, sir. 2 Q -- in your mind you believed that these sexual 3 encounters were welcome? 4 A Yes, sir. 5 Q And in your mind who did you believe was 6 initiating the sexual contact? 7 A Her, sir. 8 Q Now, you remember Chief Deputy Moe? 9 A Yes, sir. 10 Q Did Chief Deputy Moe to your knowledge have any 11 knowledge that you were having sex with anybody in 12 the jail? 13 A No, sir. 14 Q The criminal reports that have been given to us, 15 that I understand were initiated by DCI, indicate 16 that when Chief Deputy Moe was told that someone 17 in another county was saying that you were having 18 sex with jail prisoners that he began an 19 investigation within minutes. Have you read those 20 reports? 21 A Yes. 22 Q Do you believe that? 23 A I don't remember the exact date that he was told 24 about this and when he started his investigation, 25 but I do remember that he said he acted on it</p>